

State of Wisconsin



1997 Assembly Bill 968

Date of enactment: **June 4, 1998**
Date of publication*: **June 18, 1998**

1997 WISCONSIN ACT 251

AN ACT *to amend* 115.80 (1) (a) 1. of the statutes; **relating to:** reinstating a time limitation and notice provision created by 1997 Wisconsin Act (1997 Assembly Bill 261) that was unintentionally repealed by 1997 Wisconsin Act (1997 Senate Bill 384) (Revisor's Correction Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 115.80 (1) (a) 1. of the statutes, as created by 1997 Wisconsin Act (Senate Bill 384), is amended to read:

115.80 (1) (a) 1. A parent, or the attorney representing the child, may file a written request with the division for a hearing whenever within one year after the refusal or proposal of the local educational agency proposes or refuses to initiate or change his or her child's evaluation, individualized education program, educational placement or the provision of a free appropriate public education, except that, if the local educational agency has not previously provided the parent or the attorney representing the child with notice of the right to request a hearing under this subdivision, he or she may file a request under this subdivision within one year after the local educational agency provides the notice. The division shall develop a model form to assist parents in filing a request under this subdivision.

NOTE: This amendment carries out the legislative intent of 1997 Wisconsin Act (Assembly Bill 261), which amended the old s. 115.81 (1) (a), stats. 1997 Wisconsin Act (Senate Bill 384) repealed and recreated subchapter V of chapter 115, which included the old s. 115.81 (1) (a), stats., without taking 1997 Wisconsin Act (Assembly Bill 261) into account. The provision which 1997 Wisconsin Act (Assembly Bill 261) was intended to amend is now found in s. 115.80 (1) (a) 1., stats.

SECTION 2. Nonstatutory provisions.

(1) RECONCILIATION PROVISION. If both 1997 Assembly Bill 261 and 1997 Senate Bill 384 are not enacted into law, this act is void.

SECTION 3. Initial applicability.

(1) This act first applies to the refusal or proposal of, or the provision of notice by, a local educational agency under section 115.80 (1) (a) 1. of the statutes, as affected by this act, that occurs on the effective date of this subsection.

NOTE: This provision reproduces the initial applicability provision of 1997 Wisconsin Act (Assembly Bill 261).

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].